


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2020-0070A</p>
<p>In the Matter of the Application of</p> <p>BARRY LASHINSKY and JACQUELINE LASHINSKY Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: July 25, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Barry Lashinsky2. Jacqueline Lashinsky

SUMMARY AND AUTHORIZATION

This permit authorizes modification of the subdivision line between Lot 3 and Lot 4 of a previously authorized four-lot subdivision, and construction of a single family dwelling on each of the lots, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is the 49.3±-acre Low Intensity Use portion of a 52.8±-acre parcel of land located on Trumbulls Road in the Town of Jay, Essex County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The project site consists of only the 49.3±-acre Low Intensity Use portion of the property. The property contains 3.6± acres of Rural Use land that will be a part of Lot 4. The site is identified as two Tax Map Numbers:

- Section 36.1, Block 2, Parcel 7.130 (Lot 3) and
- Section 36.1, Block 2, Parcel 7.140 (Lot 4)

The project site is described in a deed from Edward G. Boynton to Barry Lashinsky and Jacqueline Lashinsky, dated November 13, 2002, and recorded November 25, 2002 in the Essex County Clerk's Office at Book 1342, Page 302.

The project site contains wetlands along a brook between lots 3 and 4 as shown on the Building Plan. The wetlands are a mix of palustrine forested and emergent wetlands with an overall value rating of "2" pursuant to 9 NYCRR Part 578. Additional wetlands not described herein or depicted on the Building Plan may be located on or adjacent to the project site.

The project site was created as "Lot 3" and "Lot 4" in a four-lot subdivision as authorized by Agency Permit 2020-0070.

PROJECT DESCRIPTION

The project as conditionally approved herein involves modification of the subdivision line between Lot 3 and Lot 4 to follow the centerline of a brook. The two lots together contain 49.3± acres. The new Lot 3 will contain approximately 14.5± acres, the new Lot 4 will contain approximately 38.3± acres (34.8± acres in Low Intensity Use and 3.6± acres in Rural Use). The project also involves construction of one single family dwelling, driveway, and on-site wastewater treatment system on each lot.

The project is shown on the following maps, plans, and reports:

- "Map of Survey showing 2020 Minor Four (4) Lot Subdivision of Barry Lashinsky & Jacqueline Lashinsky," Drawing No. S-1, prepared by Robert M. Marvin, Jr., LS, dated December 9, 2020 and later annotated with black marker to depict the modified subdivision line and labeled "Lot Line Adjust – Follow Brook – Lot 4 → Lot 3," received by the Agency on July 12, 2024 (Subdivision Plan);
- "Subdivision Map of Lands of Barrie Lashinsky showing Lahinsky Subdivision 2020," Sheets C1 and C2, prepared by Upstate Design Associates, LLC, and dated June 29, 2021 (Building Plan);
- "OWTS Details Lashinsky Subdivision 2020," Sheet C3, prepared by Upstate Design Associates, LLC, and dated June 29, 2021 (OSWTS Plan);
- "OWTS Details Lashinsky Subdivision 2020," Sheet C4, prepared by Upstate Design Associates, LLC, and dated December 15, 2020 (Erosion and Sediment Control Plan); and

- “Storm Water Pollution and Prevention Plan Lashinsky Residential Subdivision,” prepared by Upstate Design Associates, LLC, and dated January 2021 (Stormwater Pollution Prevention Plan).

A reduced-scale copy of the Subdivision Plan is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision that results in the creation of ten or more lots, parcels, or sites since May 22, 1973, in a Low Intensity Use land use area in the Adirondack Park.

This permit amends Condition 5 of Permit 2020-0070.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Subdivision Plan, Building Plan, OSWTS Plan, Erosion and Sediment Control Plan, and Stormwater Pollution Prevention Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2020-0070 in relation to the project site. The terms and conditions of Permit 2020-0070 shall no longer apply to the project site.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: “The lands conveyed are subject to Adirondack Park Agency Permit 2020-0070A, issued July 25, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”

6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Subdivision Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
7. The Rural Use portion of Lot 4 shall not be conveyed separately from the Low Intensity Use portion of Lot 4 without a new or amended permit from the Agency.
8. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one garage on each lot in the location, footprint, and height shown on the Building Plan and Erosion and Sediment Control Plan. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
9. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on any of the lots authorized herein outside the clearing limits shall require prior written Agency authorization.
10. Construction of any guest cottage on the project site shall require prior written Agency approval.
11. Any on-site wastewater treatment system(s) on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Building Plan and OSWTS Plan. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

12. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
13. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan.
14. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

15. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Trumbulls Road, the Jay Mountain Wilderness, or adjoining property.
16. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
17. On Lot 3 and within 150 feet of the clearing limits depicted on the Building Plan, no trees greater than 4 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed without prior written Agency authorization, except for a) within an area up to 20 feet in width for driveway construction and utility installations, and b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. On Lot 4 and between the toe of slope and 25-foot setback from top of slope depicted on the Building Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
19. On Lots 3 and 4 and within 35 feet of all streams and wetlands, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency authorization, except for a) the clearing and development depicted on the Site Plan and b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
20. The undertaking of any activity involving wetlands shall require a new or amended permit.
21. There shall be no more than four principal buildings located on Lot 3 at any time. The single-family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
22. There shall be no more than 12 principal buildings located on the Low Intensity Use portion of Lot 4 at any time. The single-family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

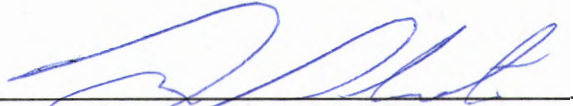
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision and single family dwellings authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Low Intensity land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this 25th day
of July, 2024.

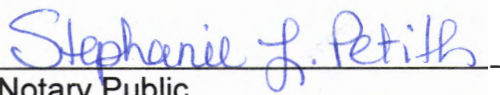
ADIRONDACK PARK AGENCY

BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

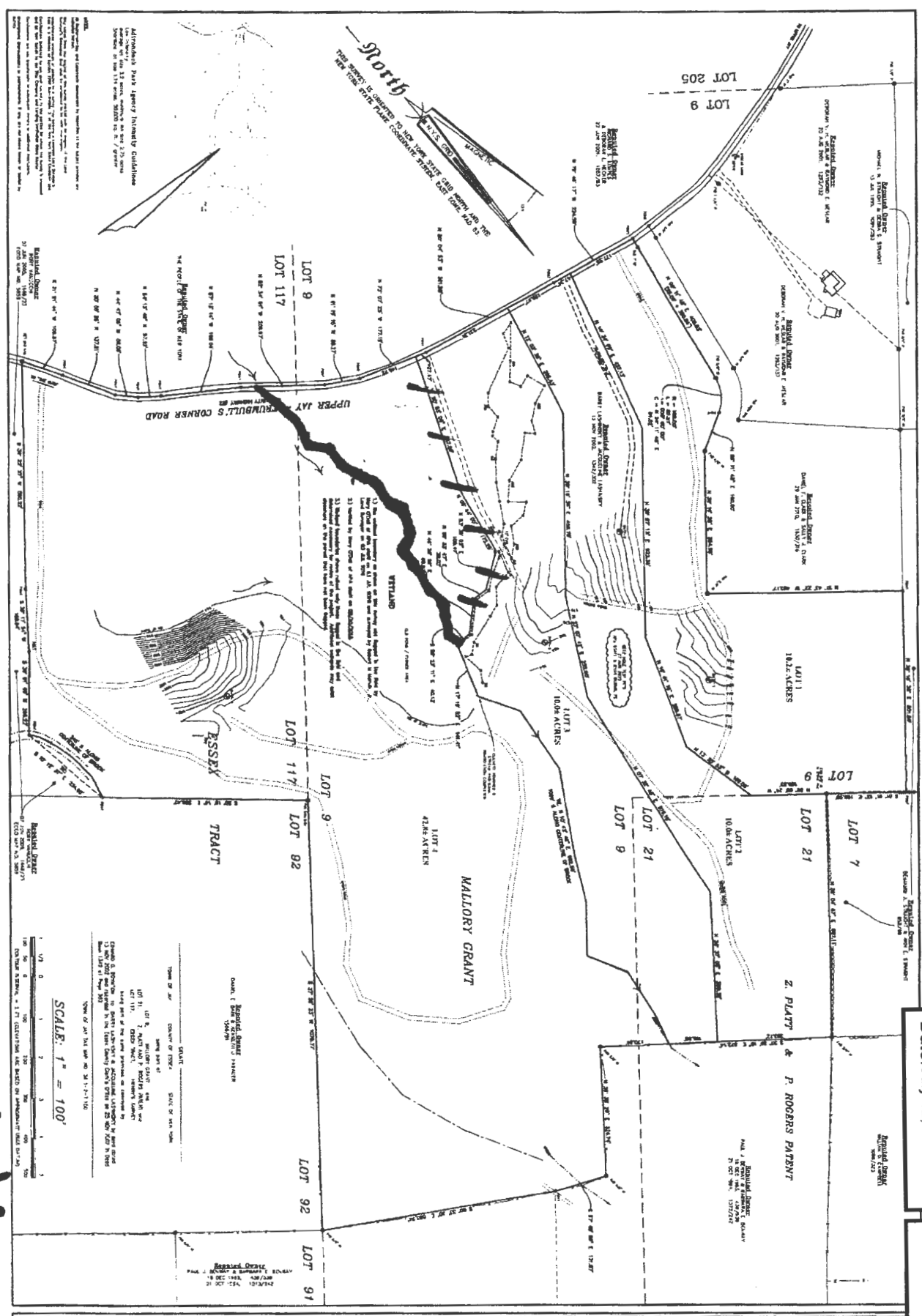
STATE OF NEW YORK
COUNTY OF ESSEX

On the 25th day of July in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

Lot Line adjust - Follow Brook - Lot 4 → Lot 3



Adirondack Park Agency Inventory Guidelines
 The Adirondack Park Agency (APA) is the lead agency for the inventory of the Adirondack Park. The inventory is a systematic and comprehensive survey of the park's resources. The inventory is conducted in accordance with the APA's Inventory Guidelines. The inventory is a continuous process and is updated as new information becomes available.

SCALE: 1" = 100'
 0 100 200 300 400 500 600 700 800 900 1000
 Feet

5-1

MAP OF SURVEY
 2020 MINOR FOUR (4) LOT SUBDIVISION OF
BARRY LASHINSKY & JACQUELINE LASHINSKY

ROBERT M. MARVIN, Jr., L.S.
 Land Surveyor
 21 Colton Avenue, P.O. Box 989
 Lake Placid, New York 12946
 Phone: (518) 523-5218
 Cell First Fax: (518) 523-3200
 E-Mail: rmarvin@robbmarvin.com

DATE OF SURVEY	12/15/2019
DATE OF PLAN	07/12/2024
DATE OF REVISION	
DATE OF CORRECTION	
DATE OF CANCELLATION	
DATE OF RESCINDMENT	
DATE OF REVOCATION	
DATE OF ANNULMENT	
DATE OF CONFIRMATION	
DATE OF REINSTATEMENT	
DATE OF RECALL	
DATE OF REPEAL	
DATE OF REVOCATION	
DATE OF ANNULMENT	
DATE OF CONFIRMATION	
DATE OF REINSTATEMENT	
DATE OF RECALL	
DATE OF REPEAL	

Unauthorized alteration of this document is a violation of section 7208 of the New York State Education Law.

RECEIVED
 Adirondack Park Agency
 Date: July 12, 2024

FINAL
 Adirondack Park Agency
 P2020-0070A